



**Town of Concord
2022 Annual Town Meeting
Article 30 to 35
Planning Board Recommendation Report
April 5th, 2022**

Article 30 General Bylaw – Scenic Roads Bylaw

Recommendation: The Planning Board recommends affirmative action (4-1) on Article 30. The Planning Board supports the adoption of a Scenic Roads Bylaw for the reasons as explained in the Warrant and voted (6-1) to co-sponsor this Warrant Article with the Historical Commission.

Note to Moderator: Majority Vote Required

Article 31 Zoning Bylaw Amendment Section 4.2.2.2 – Additional Dwelling Unit

Recommendation: The Planning Board unanimously recommends affirmative action on Article 31. For the reasons explained in the Warrant, the Planning Board believes that ADUs with a special permit prior to the September 2020 Zoning Bylaw amendment should be allowed to legally remain even though they may not meet all of the current criteria, or the property was sold. To address concerns raised at the Planning Board’s public hearing, the Board is moving this Article as follows incorporating additional language to clarify the intent that these ADUs may remain but cannot be enlarged or modified from the originally approved special permit:

Motion: Ms. Ferguson moves that the Town take affirmative action on Article 31 as printed in the Warrant, adding the sentence at the end ***“provided that the dimensions of the additional dwelling unit conform to the dimensional requirements in the recorded special permit.”*** so that it reads:

(n) Any additional dwelling unit that is subject to a special permit recorded with the Middlesex South Registry of Deeds prior to September 2020 shall be exempt from the requirements in Items (a), (b), (g), and (l) of this Section 4.2.2.2 ***provided that the dimensions of the additional dwelling unit conform to the dimensional requirements in the recorded special permit.***

Note to Moderator: 2/3 Vote Required

Article 32 Zoning Bylaw Amendment Section 3.3 – Formula Business Bylaw

Recommendation: The Planning Board recommends affirmative action (4-1) on Article 32. For the reasons explained in the Warrant, the Planning Board believes adding the Thoreau Depot Business District to the Formula Business Bylaw helps to preserve the existing character, diversity, variety, and scale of this district and a maximum of 14 formula businesses allows for the organic growth of existing businesses should they become a formula business or to allow for a couple new formula businesses. To address concerns raised about consistency in the language of the existing Bylaw, the Board is moving this Article with minor changes to the text as printed in the Warrant as follows:

Motion: Ms. Miller moves that the Town take affirmative action on Article 32 as printed in the Warrant with the following changes in the second paragraph under Section 3.3.2 so it is consistent with the existing language so that the paragraph reads as follows:

The total number of formula businesses in the Concord Center Business District is limited to 12. ***The total number of formula businesses allowed in the Thoreau***

Depot Business District is limited to 14. The total number of formula businesses in the West Concord Business District and the West Concord Village District combined is limited to 10. When ~~either~~ **the** applicable limit is reached, no new formula businesses may be established in the applicable district until and unless an existing formula business closes, adapts so that it no longer qualifies as a formula business, or relocates outside of the affected business district. If a business in current operation becomes a formula business by means of additional locations being established, this business shall count toward the total number of formula businesses, but shall not be considered as a formula business being established.

Note to Moderator: 2/3 Vote Required

Article 33 Zoning Map & Bylaw Amendment – Thoreau Depot Business District

Recommendation: The Planning Board recommends affirmative action (4-1) on Article 33. For the reasons explained in the Warrant, the Planning Board believes that the proposed amendments are intended to create zoning to allow the Thoreau Depot Business District to be an inviting, walkable, livable, and thriving part of our community, supports the goals from the Envision Concord Comprehensive Long-Range Plan and will allow for a range of housing types and sizes in mixed-use developments, a concrete action towards increasing diversity, equity, inclusion and belonging.

Motion: Mr. Flint moves that the Town take affirmative action on Article 33 as printed in the Warrant.

Note to Moderator: Majority Vote Required

Article 34 Citizen’s Petition - Zoning Map Amendment – Residence A & Industrial Park B Zoning District Boundary

Recommendation: The Planning Board unanimously recommends affirmative action on Article 34. The Planning Board believes that placing this historic residential structure back into the Residence A Zoning District is preferable and allows the property owner the ability to make residential improvements on portions of the property without having to obtain a special permit from the Zoning Board of Appeals because the existing residential use in the Industrial Park B Zoning District is legally nonconforming.

Note to Moderator: 2/3 Vote Required

Article 35 Citizen's Petition - Zoning Bylaw Amendment Section 10 – Planned Residential Development

Recommendation: The Planning Board unanimously recommends No Action on Article 35. In 2020 Town Meeting approved an amendment to Section 10 PRD that increased the required common open space area from 25 to 35%. Additionally, the amendment included positive changes to the affordable housing requirement and a new sustainability requirement. Having all the PRD requirements working together in exchange for increased density is a challenge, but when accomplished, makes possible a project that provides many community benefits, not just one. The Planning Board believes that Article 35 would make achieving this balance more difficult in most cases and developers would be less likely to utilize the PRD Bylaw regardless of the increased density it allows. This will lead to standard subdivisions that have no affordable housing, no designated open space, no sustainability requirement, no variety in the size or type of housing and no community input on the overall design aspects of the project.

Note to Moderator: 2/3 Vote Required